

Message

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**From:** Capacasa, Jon [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85A0B5B637AB47F4B93C10CC822A7FDB-JCAPACAS]  
**Sent:** 1/28/2015 9:49:52 PM  
**To:** Ryan, Daniel [Ryan.Daniel@epa.gov]; Purnell, Rhonda [Purnell.rhonda@epa.gov]  
**CC:** Watson, Josephine [Watson.Josephine@epa.gov]  
**Subject:** FW: Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont  
**Attachments:** Draft Response to 1-20-15 Bilott Letter to R3 R5 RAs 1-28-15 OST and Region 3 Cleared.docx

Attached is a letter which Region 5 RA plans to send in response to a Dupont PFOA legal question that came into R3 and R5 RA's.

The proposed response was fully coordinated with us in the Region and we are OK. Didn't think Shawn's co-signing of this letter was needed since the lawyer's complaints primarily revolve around an Ohio communities impacts. Thus Region 5 lead.

Let me know of any problems in giving the OK to R5...thanks. (and in case you see a control letter on this subject, it is already covered)

Jon

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 11:47 AM  
**To:** Kier, Lori; Johnson, KarenD; Capacasa, Jon  
**Subject:** Final Draft with R3 Edits -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Lori. I made your suggested revision and am attaching the latest version for R3 senior management.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd (WG-15J), Chicago, IL 60604  
Phone: (312) 886-0153 / Email: [shoven.heather@epa.gov](mailto:shoven.heather@epa.gov)

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**From:** Kier, Lori  
**Sent:** Wednesday, January 28, 2015 10:34 AM  
**To:** Johnson, KarenD; Capacasa, Jon; Shoven, Heather  
**Subject:** Re: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Looks good. My only other suggested change:

## Ex. 5 Deliberative Process (DP)

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*Lori Kier*

Senior Assistant Regional Counsel  
US EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656  
[kier.lori@epa.gov](mailto:kier.lori@epa.gov)

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**From:** Johnson, KarenD  
**Sent:** Wednesday, January 28, 2015 11:29 AM  
**To:** Capacasa, Jon; Shoven, Heather  
**Cc:** Kier, Lori  
**Subject:** FW: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Jon-Do you think you can just let R5 know we're oK now.. ORC has added Lori as the legal point of contact...  
Thanks Heather! That is the correction we needed.

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 11:21 AM  
**To:** Johnson, KarenD  
**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Hi Karen!

## Ex. 5 Deliberative Process (DP)

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
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**From:** Johnson, KarenD  
**Sent:** Wednesday, January 28, 2015 10:05 AM  
**To:** Shoven, Heather  
**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## Ex. 5 Deliberative Process (DP)

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**From:** Shoven, Heather  
**Sent:** Wednesday, January 28, 2015 10:42 AM

**To:** Johnson, KarenD

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Karen! How's this version?

Best wishes,  
Heather

Heather A. Shoven  
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**From:** Johnson, KarenD

**Sent:** Wednesday, January 28, 2015 9:35 AM

**To:** Shoven, Heather

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Heather -- Our contact for counsel is Lori Kier number is (215) 814 2656. I'm still checking on a middle initial for her, but nothing worth holding up the letter any longer. Thanks!!

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**From:** Shoven, Heather

**Sent:** Wednesday, January 28, 2015 10:33 AM

**To:** Donohue, Joyce

**Cc:** Klassman, Debra; Poy, Thomas; Harris, Kimberly; Johnson, KarenD

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Thanks Joyce. I appreciate your quick and helpful review. I'll go forward with the language as is and am cc'ing management to let them know that OST has reviewed our draft response.

Thank you for all of your hard work on these issues!

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
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**From:** Donohue, Joyce

**Sent:** Wednesday, January 28, 2015 9:24 AM

**To:** Shoven, Heather

**Subject:** RE: Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

Dear Heather:

# Ex. 5 Deliberative Process (DP)

Joyce

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**From:** Shoven, Heather

**Sent:** Tuesday, January 27, 2015 10:38 AM

**To:** Doyle, Elizabeth; Donohue, Joyce

**Cc:** Johnson, KarenD; Harris, Kimberly; Klassman, Debra; Damato, Nicholas; Poy, Thomas; Bair, Rita

**Subject:** Request for OST Input -- Letter from attorney regarding PFOA health effects data and re-evaluating EPA's SDWA 1431 2009 Consent Order with DuPont

## EPA INTERNAL DELIBERATIVE

Hi Beth and Joyce,

I am forwarding you an inquiry sent to the R3 and R5 RAs from Robert A. Bilott, an attorney in Ohio, requesting that EPA consider new health effects data to evaluate the 0.40 parts per billion (ppb) site-specific action level for perfluorooctanoic acid (PFOA) in EPA's 2009 consent order with DuPont's Washington Works Facility in West Virginia.

Attached is a draft response for the Agency. Could you review and provide any edits?

Thank you for your time. Please contact me with any questions or concerns.

Best wishes,  
Heather

Heather A. Shoven  
Compliance and Enforcement Team Leader  
Ground Water and Drinking Water Branch  
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**From:** Bilott, Robert A. [<mailto:bilott@taftlaw.com>]

**Sent:** Tuesday, January 20, 2015 3:32 PM

**To:** Hedman, Susan; Garvin, Shawn; [Randy.C.Huffman@Wv.Gov](mailto:Randy.C.Huffman@Wv.Gov)

**Cc:** Doyle, Elizabeth

**Subject:** In the Matter of: E.I. du Pont de Nemours and Company (Docket Nos: SDWA-03-2009-0127 DS/ SDWA-05-2009-0001)

Document attached.

**Taft /**

**Robert A. Bilott / Partner**

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